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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,210	04/02/2001	Reiner Kraft	ARC920010034US1	2722

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EXAMINER
HILLERY, NATHAN

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/825,210	KRAFT, REINER
	Examiner	Art Unit	
	Nathan Hillery	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _16 January 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,5,6,8-11,15,16,18-22 and 24-26_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,5,6,8-11,15,16,18-22 and 24-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed on 1/16/06.

2.   Claims 1, 5, 6, 8 – 11, 15, 16, 18 – 22, 24 – 26 are pending in the case. Claims 1,

11, and 20 are independent.

3.   The rejection of claims 1, 5, 6, 8 – 11, 15, 16, 18 – 22, 24 – 26 under 35 U.S.C.

112 as being indefinite has been withdrawn as necessitated by amendment.

4.   The rejection of claims 1, 5, 6, 8 – 11, 15, 16, 18 – 22, 24 – 26 under 35 U.S.C.

103(a) as being unpatentable has been updated as necessitated by amendment.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1, 5, 6, 10, 11, 15, 16, 20 – 22, and 26 are rejected under 35 U.S.C.

103(a) as being unpatentable over Logan (US 6665659 B1) [as cited by Applicant] and

further in view of Heninger et al. (US 6470349 B1).

7.   **Regarding independent claim 1,**

        a.   Logan teaches that *The client computer 8 includes a citation retriever 16*

which sends a request for information to a citation extractor 18 at the server 4. In

response to the request, the citation set extractor 16 returns a subset only of the

collected citations in database 14 via the Internet 5 to the citation retriever 16

which stores the subset of citations in a local store 19. At the request of the user,

a sort and extract unit 20 processes the citations in the local store 19 to create a

filtered, sort set of citations which are passed to a page retriever 22. The page

retriever 22 generates presents the information contained in or cited by these

citations to the user at 24, either by displaying metadata contained in the citation

or by using the URL in the citation to fetch data from the original resource

described by that citation, or both. As depicted in FIG. 2, which shows the

principal data structures manipulated by the embodiment of FIG. 1 in more detail,

the information distribution system employs an analysis facility 101 which

extracts identification and content information from data retrieved via the Internet

100. The data which is retrieved and analyzed in this fashion may take a variety

of forms as illustrated by the HTML Web page 111, the XML document 113, the

audio file 114, the message 115 which has been posted to an Internet message

board, and the image or video file 116. The analysis facility 101 coupled to an

editing station 105 processes the data from such Internet resources and creates

a collection of stored descriptive metadata which are here called "citations" in a

citation store seen at 121. Based on the subscriber preference information

stored at 125, or in response to subscriber requests received via the Internet

100, an Internet server 131 transmits selected citations to individual users via the

Internet 100 (Column 1, lines 27 – 59), compare with **defining contextual**

metadata of the source document, wherein the contextual metadata

includes a location of the source document; identifying a target document

by a content and contextual data; and saving a bundled target document as the destination document.

b.   Logan teaches that *Each of the citations created by the analysis facility 101 comprises the combination of a Universal Resource Location "URL" which specifies the Internet address of a particular Internet resource and one or more of the following additional metadata elements ("attributes"). a. a "passage identification" which specifies the beginning and ending location of an particular segment of the data identified by the URL; for example: the starting and ending character position of a portion of the text of a bulletin board message or Web page, or the identification of a particular element or nested set of elements in an XML document; and b. data characterizing the information specified by the passage identification and/or the data specified by the URL by its type, subject matter, or other characteristics* (Column 2, lines 5 – 20), compare with **bundling the target document, and the contextual metadata of the source document as attributes of the target document; wherein bundling the target document comprises merging the contextual metadata of the source document and the contextual data of the target document as attributes of the target document.**

c.   Logan teaches that *If a passage or "fragment" identifier is included in the URI reference then the citation's resource identifier refers only to the sub-component of the containing resource that is identified by the corresponding fragment id internal to that containing resource. When a resource takes the form*

of an XML document, the URI may designate all or part of the document using an

Xpointer expressed in accordance with the language specifications set forth in

XML Pointer Language (XPointer), Eve Maler and Steve DeRose, W3C, Mar. 3

1998. See http://www.w3.org/TR/xptr. The format of the URI used by the

Xpointer convention follows the related XPath specification set forth in XML Path

Language, James Clark and Steve DeRose, editors, Nov. 16 1999. See

http://www.w3.org/TR/xpath (Column 5, lines 41 - 54), compare with **wherein**

defining the contextual metadata of the source document further includes

defining a navigation path from the source document to the target

document, to enable a client to return to the source document from the

target document, even if one or more intermediate documents along the

navigation path no longer exist.

d.   Logan does not explicitly teach **synchronizing**. However, Heninger et al.

do teach that *in the case of caches, it is also useful to generate a source*

command to be placed in your target script referring back to the source script.

This ensures that the target stays synchronized with the source (Column 16,

lines 16 – 20), compare with **automatically synchronizing the destination**

document to the target document. It would have been obvious to one of

ordinary skill in the art at the time of the invention to combine the invention of

Logan with that of Heninger et al. because such a combination would provide the

users of Farber et al. with *a server side scripting language and programming tool*

designed to simplify programming for web pages using databases or other

dynamic information (Column 2, lines 49 – 52).

8.   **Regarding dependent claims 5 & 6**, Logan teaches that *If a passage or*

"fragment" identifier is included in the URI reference then the citation's resource

identifier refers only to the sub-component of the containing resource that is identified

by the corresponding fragment id internal to that containing resource. When a resource

takes the form of an XML document, the URI may designate all or part of the document

using an Xpointer expressed in accordance with the language specifications set forth in

XML Pointer Language (XPointer), Eve Maler and Steve DeRose, W3C, Mar. 3 1998.

See http://www.w3.org/TR/xptr. The format of the URI used by the Xpointer convention

follows the related XPath specification set forth in XML Path Language, James Clark

and Steve DeRose, editors, Nov. 16 1999. See http://www.w3.org/TR/xpath (Column

5, lines 41 - 54), compare with **defining the address of the source document,**

identifying a URL of the source document and **defining a navigation path from the**

source document to the target document.

9.   **Regarding dependent claim 10**, Logan teaches that *The client computer 8*

includes a citation retriever 16 which sends a request for information to a citation

extractor 18 at the server 4. In response to the request, the citation set extractor 16

returns a subset only of the collected citations in database 14 via the Internet 5 to the

citation retriever 16 which stores the subset of citations in a local store 19 (Column 3,

lines 27 – 32), compare with **saving the destination document on a networked data**

repository.

10.   **Regarding independent claims 11, 15, 16, 20, 21, 22**, the claims incorporate

substantially similar subject matter as claims 1, 5 and 6, and are rejected along the

same rationale.

11.   **Regarding dependent claim 26**, the claim incorporates substantially similar

subject matter as claim 10, and is rejected along the same rationale.

12.   Claims 8, 9, 18, 19, 24 and 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Logan (US 6665659 B1) and further in view of Heninger et al. (US

6470349 B1) as applied to claims 1, 5 – 7, 10, 11, 15 – 17, 20 – 23, and 26 above, and

further in view of Lumsden (as cited by applicant).

13.   **Regarding dependent claims 8 and 9**, Logan does not and Heninger et al. may

not explicitly teach **input parameters or input search query**. However, Lumsden

teaches that *the user fills out the form, specifying the user's search parameters or*

criteria, which are often in the form of keywords. The user's search parameters or

criteria are intended to define a subset of documents from the Internet which contain

information which the user wants to review. The desired documents may be on any of a

plurality of databases associated with any of the sites (document servers) linked

together by the Internet. The user completes the search form and forwards the

completed search form to the search server 62 via the network 64 (Step 102) (Column

5, line 61 – Column 6, line 3), compare with **defining input parameters required to**

generate the target document and **defining an input search query**. It would have

been obvious to one of ordinary skill in the art at the time of the invention to combine the

invention of Logan and Heninger et al. with that of Lumsden because such a

combination would provide the users of Farber et al. and Heninger et al. with *a software*

implemented process associated with a server employed to provide search information

in response to a request from a user at a client for documents available on the Internet

matching search criteria (Column 2, lines 50 – 54).

14.   **Regarding dependent claims 18, 19, 24 and 25**, the claims incorporate

substantially similar subject matter as claims 8 and 9, and are rejected along the same

rationale.

Response to Arguments

15.   Applicant's arguments filed 1/16/06 have been fully considered but they are not

persuasive.

16.   In response to applicant's arguments that the citations in Logan do not qualify as

"documents" (p 14, first full paragraph), it should be noted that Logan teaches that *Each*

citation which describes a resource is preferably expressed in as a valid XML document

as specified in the World Wide Web Consortium (W3C) Recommendation, Extensible

Markup Language (XML) 1.0, Tim Bray, et al. W3C, Feb. 10 1998. See

http://www.w3.org/TR/REC-xml (Column 5, lines 13 - 17).

17.   In response to applicant's argument that *the synchronization step, in conjunction*

with the bundling step, enable the present invention to track down the source document

even if the intermediate documents change (p 15, first paragraph), a recitation of the

intended use of the claimed invention must result in a structural difference between the

claimed invention and the prior art in order to patentably distinguish the claimed

invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. As indicated above in the rejection of claim 1, the prior art structure is capable of performing the intended use, since the prior art structure saves all the information about the document including its path using an XPATH pointer.

Conclusion

18.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Doug Hutton
Primary Examiner
Art Unit 2176

NH